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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 24th August, 1984:—

BILL NO. 75 OF 1984

A Bill further to amend the Code of Criminal Procedure, 1973 and the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Marriage Laws (Amendment) Act, 1984.

2 of 1974.

Insertion of new section 69A.

2. After section 69 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Criminal Procedure Code), the following new section shall be inserted, namely:—

Service of summons by publication of notice in newspaper.

"69A. Where the person summoned has shifted his residence and the address of the new residence of the person summoned is not known, the Magistrate may order for the service to be effected by publication of a notice to that effect in a daily newspaper normally circulated in the area in which the person summoned last resided and after the publication of the notice in the newspaper, it shall be deemed that the service has been effected".

Amendment of section 125.

3. In section 125 of the Criminal Procedure Code, in sub-section (*1*), for the words "not exceeding five hundred rupees", the words "which shall not be less than fifty per cent of his income" shall be substituted.

Insertion of new section 125A, 125B and 125C.

4. After section 125 of the Criminal Procedure Code, the following new sections shall be inserted, namely:—

Order for maintenance during pendency of petition.

"125A. The Magistrate may, at any time after the filing of the application under section 125, on being satisfied that the applicant has no sufficient income to maintain himself or herself or to bear the necessary expenses of the application, order that the respondent shall pay the expenses of the application and such sum every month, during the pendency of the application, for the maintenance of the applicant as may be just and reasonable:

Provided that the Magistrate may pass such an order before service of summons to the opposite party if he is satisfied that there is sufficient proof of the existence of relationship between the parties as provided under sub-section (*1*) of section 125 and that the circumstances of the case are so grave and serious in nature that they require passing of an immediate order for payment of interim maintenance.

Order for maintenance in case of desertion.

125B. The Magistrate may, after verifying the fact given in an affidavit filed by an aggrieved wife that she has been deserted by her husband and on being satisfied that she has no sufficient income to maintain herself and her children, order the employer of the husband to pay directly to the wife such sum from the salary of the husband every month, as may be necessary, for the support and maintenance of the wife and her children:

Provided that if the affidavit is proved to be false, the applicant shall be punished with an imprisonment which may extend to six months but which shall not be less than two months and with fine amounting to the amount she has already received from the employer of the husband plus rupees five hundred.

Order as to place of residence.

125C. The magistrate may, immediately after filing of the application, on being satisfied, that the woman has been driven out of the house by her husband or his other family members and has no other place to live, order that the wife shall be allowed to stay in one part of the residence of her husband till such time the husband makes separate arrangement for her residence at his own expense.".

Amendment of section 126.

5. In section 126 of the Criminal Procedure Code, in sub-section (*2*), in the proviso, after the words "or wilfully neglecting to attend the Court,", the words "or not attending the court even after publication of notice in the newspaper as provided under section 69A," shall be inserted.

Amendment of section 127.

6. In section 127 of the Criminal Procedure Code, in sub-section (*3*), clause (*b*) shall be omitted.

Amendment of section 13.

7. In section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the Hindu Marriage Act), sub-section, (*1A*) shall be omitted. 25 of 1955.

Amendment of section 25.

8. In section 25 of the Hindu Marriage Act, in sub-section (*1*), for the words "passing any decree", the words "passing any final order decreeing or dismissing the petition" shall be substituted.

9. In section 27 of the Hindu Marriage Act, the following proviso shall be added at the end, namely:— **Amendment of section 27.**

"Provided that the court shall have the jurisdiction to decide which of the property was given exclusively to the wife and the court may also pass order for the return of any such property which was given exclusively to the wife but is proved to be at present in possession of the husband.".

STATEMENT OF OBJECTS AND REASONS

Tensions are building up in the matrimonial relationship due to rapid changes in the social and economic conditions, industrialisation and changes in the value system. Indian society which has come under the influence of Western culture, without discarding the feudal mentality, has accepted its consumerism and materialist outlook on life. However, failure to appreciate the fundamental value of equality of human beings has resulted in the erosion of moral values.

Women are the worst victims of this phenomenon. The rudderless society which has lost its traditional values and is incapable to accept modern ones is denying justice to the women. No wonder, cases of dowry deaths, desertions, rapes and prostitution are on the increase.

Despite many benevolent laws the women continue to suffer. Besides economic dependence on the husband for survival, poverty and ignorance of law, basic defects in the laws of maintenance and marriage contribute to the factors responsible for the perpetration of injustice to women and children. Changes in these laws will help in getting expeditious relief.

This Bill seeks to amend the Code of Criminal Procedure, 1973 and the Hindu Marriage Act, 1955 so as to plug loop-holes in the existing laws and provide expeditious relief to the women irrespective of their religious faith.

NEW DELHI; PRAMILA DANDAVATE

July 11, 1984.

BILL NO. 76 OF 1984

A Bill further to amend the Code of Criminal Procedure, 1973

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1984.

(*2*) It shall come into force at once.

2 of 1974.

Amendment of section 129.

2. In section 129 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act),—

(*i*) in sub-section (*1*), after the words "public peace, to disperse", the words "within a definite period of time to be specified in the command" shall be inserted;

(*ii*) in sub-section (*2*),—

(*a*) the words "or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse," shall be omitted;

(*b*) the following provisos shall be added at the end, namely:—

"Provided that no fire-arm shall be used by the police to disperse the unlawful assembly, unless all earlier attempts to disperse such assembly by use of the water-hose, teargas and light cane charge have been unsuccessful:

Provided further that no fire-arm shall be used unless there is manifest danger to life or large scale destruction of property is imminent.".

Amendment of section 130.

3. In section 130 of the principal Act, in sub-section (*1*), for the words "If any such assembly cannot be otherwise dispersed", the words "If any such assembly cannot be dispersed by means and methods provided under section 129" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

During the years since India attained independence, the powers conferred on the magistracy and the police by the Code of Criminal Procedure to disperse unlawful assemblies have been so frequently misused that certain safeguards against such abuse are deemed necessary. The Bill seeks to provide those essential safeguards.

NEW DELHI;
July 13, 1984.

MADHU DANDAVATE

BILL NO. 73 OF 1984

A Bill to regulate the employment of junior artistes in the film industry

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Junior Artistes' (Regulation of Employment) Act, 1984.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(*4*) It applies to the film industry and includes in its scope work carried at any place including outdoor shooting.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "employer" means a person or an establishment having engaged, jointly or severally, in the management and/or administration of production of a film and shall also include any other person who has taken on himself the responsibility of completion of the film;

(*b*) "film industry" means and includes any film studio or any other place created or designed for the purpose of film production, *viz.*, feature films, documentaries, short reels, publicity and/or propaganda films;

(*c*) "Government" means the Government of India;

(*d*) "junior artistes" means and includes any person, minor or major, employed directly or indirectly to lend his or her physical appearance in the film designed for commercial exhibition.

Scheme for ensuring regular employment.

3. (*1*) The Central Government may, be notification in the Official Gazette, frame a scheme for the registration of junior artistes and producers with a view to ensuring greater regularity of employment and for regulating the employment and service conditions of junior artistes in film industry.

(*2*) The scheme framed under sub-section (*1*) may in particular provide—

(*a*) for defining the obligations of junior artistes and producers subject to fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any junior artiste or producer;

(*b*) for regulating the recruitment and entry into the scheme of junior artistes and their registration including the maintenance of registers or rosters, the removal, either temporarily or permanently, of names from the registers or rosters and the imposition of fees for registration;

(*c*) for regulating the terms and conditions of service, including rates of remuneration, hours of work and conditions as to holidays and wages in respect thereof;

(*d*) for payment of minimum wages in respect of periods during which part-time or full-time employment is not available to junior artistes to whom the scheme applies and who are available for work;

(*e*) for training, welfare and provision of medical facilities to junior artistes;

(*f*) for the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed;

(*g*) for defining the extent to which other Acts of Parliament enacted or to be enacted shall apply to junior artistes; and

(*h*) for punishment to be awarded for contravention of any provision thereof, or any other malpractice.

Junior Artistes' Employment Board.

4. (*1*) The Government shall constitute a Board to be called the Junior Artistes Employment Board which shall be entrusted with the task of administration of the scheme.

(*2*) The Board shall consist of fifteen members, representing the Government, the junior artistes and the employers in equal proportion.

Functions of the Board.

5. (*1*) The Board shall submit to the Government, within a period of six months of its constitution, rules of its working and detailed draft of the scheme, as envisaged in section 3.

(*2*) Every rule or the scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the scheme or both Houses agree that the rule or the scheme should not be made, the rule or the scheme shall thereafter have effect only in such modified form or be no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or the scheme.

(*3*) The Board shall be required to submit an annual report of its work and expenditure or, at any time, upon one month's notice to that effect from the Government.

STATEMENT OF OBJECTS AND REASONS

The Junior artistes in the film Industry are employed through middlemen known as "Extra Suppliers". The method of recruitment of junior artistes is beset with several evils. Favouritism and nepotism are rampant and junior artistes are exploited in a variety of ways.

No qualifications are prescribed for becoming junior artistes. Due to unregulated entry of artistes in the industry, one finds a keen competition amongst the artistes and exploitation by the suppliers. Therefore, insecurity of work, under employment, unemployment and low wages are perpetual.

The working hours of the junior artistes like the rest of the workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as rest hours, canteens and sanitation are not provided.

The Bill seeks to provide for a scheme for recruitment and conditions of service, etc. of junior artistes in the film industry.

NEW DELHI;
July 13, 1984.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

Clause 3 of the Bill envisages a scheme to regulate the employment of junior artistes in the film industry. Clause 4 of the Bill provides for administration of the scheme by a "Junior Artistes Employment Board" consisting of fifteen members.

The Bill, if enacted, will thus involve some expenditure from the Consolidated Fund of India. No exact estimate can be given of the amount of recurring expenditure likely to be incurred over the maintenance and running of the scheme as envisaged in the Bill. But to start with an annual grant of rupees six lakhs will be sufficient.

Funds to be made available in the subsequent years will vary and will have to be determined from time to time.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill delegates to the Central Government powers to frame a scheme for the registration of junior artistes and producers with a view to ensuring regularity of employment of junior artistes in film industry; and for regulating the terms and conditions of service, including rates of remuneration, hours of work, training, welfare and medical facilities, etc. as also for the manner in which and the persons by whom the cost of operating the scheme is to be defrayed. Clause 5 of the Bill provides for making of rules for working of the Board.

Since the rules or the Scheme will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 71 OF 1984

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1984. Short title.

2. After article 15 of the Constitution, the following new article shall be inserted, namely:— Insertion of new article 15A.

"15A. (*1*) All citizens shall have the right to employment. Right to employment.

(*2*) Any citizen who cannot be provided with employment shall be given an unemployment allowance at a rate to be fixed by a statutory authority appointed by the Government of India.".

STATEMENT OF OBJECTS AND REASONS

By a modest estimate there are sixty million unemployed in India. Each year, over eight million job-seekers are coming afresh into the employment market and from all indications, a majority of them join the ranks of the unemployed. The ever-increasing joblessness is creating a sense of frustration and despondency among the country's youth, and this in turn is creating social problems including law and order situations.

Unless the State takes upon itself the responsibility to secure jobs to the unemployed, there can be no solution to this grave problem. In the event of the State being unable to provide jobs, it should provide unemployment relief in monetary terms to such unemployed persons.

The Bill seeks to make the right to employment a fundamental right that is justiciable.

NEW DELHI;
July 16, 1984.

GEORGE FERNANDES

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that any citizen who cannot be provided with employment shall be given an unemployment allowance at a rate to be fixed by an authority appointed by the Central Government. The Bill, if enacted, will therefore involve expenditure from the Consolidated Fund of India. Assuming that an allowance of rupees one hundred per month is paid to the unemployed citizens, it will involve a recurring expenditure of about rupees eight hundred crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

BILL NO. 72 OF 1984

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1984. Short title.

2. In the Constitution, after Part XI, the following Part shall be inserted, namely:— Insertion of new Part XI A.

"PART XIA

PLANNED DEVELOPMENT OF THE COUNTRY

263A. (1) The President shall constitute a National Development Council with Prime Minister as its Chairman. Constitution of National Development Council.

(2) The Council shall consist of the Union Ministers for Finance and Planning, Chief Ministers of States, Finance or Economic Affairs Ministers of States, eminent economists and financial and planning experts.

(3) The eminent economists and financial and planning experts shall be appointed to the Council by the President

Functions of National Development Council.

263B. (1) Having regard to the Fundamental Rights guaranteed to the citizens of India in Part III and the Directive Principles of State policy enunciated in Part IV of this Constitution as well as of the declared objective of the Government to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production, and offering opportunities to all for employment in the service of the community, the Council shall prepare an Approach to national development Plan for development of the country as a whole for a period of five years or for such periods as may be decided by the Council setting in broad terms the aims and objects of the Plan and laying down the guidelines for the Planning Commission constituted under article 263C.

(2) The Council shall appraise from time to time the progress achieved in the implementation of each stage of the Plan and issue guide-lines to the Planning Commission for adjustment of policies and measures that such appraisal may show to be necessary to achieve the objectives laid down in the Approach to national development Plan

Constitution of Planning Commission.

263C. (1) **The President shall constitute a planning commission with the Prime Minister as its Chairman and the Union Ministers for Planning and Finance as its members of whom the Minister for Planning shall act as Deputy Chairman of the Commission.**

(2) **The Planning Commission shall consist of eight other Members to be appointed by the President from amongst the eminent economists and financial and planning experts.**

Functions of the Commission.

263D. (1) The Planning Commission shall formulate a National Development Plan for a period of five years or such period as may be decided by the National Development Council for the most effective and balanced utilisation of the country's resources and the Plan so formulated by the Commission shall adhere to the Plan Approach prepared by the Council

(2) The Plan formulated by the Planning Commission shall be submitted to the Council for their approval.

(3) After the Plan is approved by the Council, the Commission shall take steps for its implementation in coordination with the Ministries/Departments concerned of the Union and State Governments.

(4) The Commission shall appraise from time to time the progress achieved in the implementation of each stage of the Plan and recommend to the Council the objectives and policies and measures that such appraisal may show to be necessary.

(5) The Commission shall make such interim or ancillary recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it by the Council, or on a consideration of the prevailing economic conditions, current policies, measures and development programmes, or on an examination of such specific problems as may be referred to it for advice by Union or State Governments

(6) The Commission shall determine its procedure of work and shall have such powers in the performance of its functions as the Council may confer on it and the Commission shall be accountable to the Council for its performance.

(7) The Planning Commission shall have power to give directives to various Ministries/Departments of the Union and State Governments with a view to achieve the successful and effective implementation of the various stages of the Plan.".

STATEMENT OF OBJECTS AND REASONS

The need of economic coordination and planning to solve the complex and diverse problems facing our nation can hardly be over emphasised.

The National Development Council was designed as the highest policy making body on social and economic issues and the Planning Commission was designed as an instrument to implement the Council's directions. But unfortunately, both of them over the years have functioned in a manner entirely different from what was envisaged and practically the purposes for which they were designed have been defeated.

The deliberations in the Council, which meets infrequently, are hardly anything different from rituals. Little scope exists in the meetings for any substantive deliberations on very vital economic issues facing the country at different points of time.

Experience has shown that there has been long periods of hibernation, even when plans have run into serious difficulties because of inflation, shortages of resources, shrinkages of external aids, and political instability in many parts of the country. Instead of deliberating on the policy issues and distortions of the plan strategy, resulting in the dilution of the self-reliance, increasing regional imbalances, concentration of wealth in fewer hands, and alarmingly widening disparities in income and assets between the vast multitudes and very tiny few, the nation has helplessly witnessed a whole session of the National Development Council devoted to extolling the virtues and achievements of the 20-Point Programme which is less heard about now. Even the national debate centering round the mid-term appraisal of the Sixth Plan was not considered worthy of the National Development Council's attention. The only regular feature of the functioning of the National Development Council is to approve the draft plans, after they are finalised in New Delhi, ignoring the approaches and views of the State Governments. Whatever might be the trends of discussions in the National Development Council, the outcome is invariably the unanimous ratification of the plan size. The last session held on July 12-13, 1984 also was no exception.

The Planning Commission has similarly been transformed into an appendage of the Union Government. It is devoid of any authority, power and initiative. It has therefore failed to respond to the needs of the people and fulfil its assigned role.

The Planning Commission, an extra-constitutional body, has often tinkered with the over all size of the States' outlays and haggled over the annual plan and non-plan assistance, and the proportions of loans and grants. But it has shown no interest in encouraging and helping them to draw up coherent plans with the aid of the expert State-level Planning machinery.

The situation may be remedied, if the National Development Council and Planning Commission are made constitutional bodies with well

defined composition and functions, deriving their authorities and powers from the Constitution itself. These bodies should be so designed as to make them nodal agencies between the Union and the States in matters relating to economic coordination and planning.

The Bill seeks to achieve these objectives.

NEW DELHI; CHITTA BASU.

July 19, 1984.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of National Development Council and Planning Commission which *inter alia* shall consist of eminent economists and financial and planning experts. Payments will have to be made to them in the form of travelling allowance, daily allowance, etc. when the meetings of the National Development Council and Planning Commission take place. The Bill, if enacted, will therefore involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

SUBHASH C. KASHYAP,
Secretary-General.

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